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UNITED STATES DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

SERIAL NUMBER: 09/849,095

ART UNIT: 9419

FILING DATE: 05/04/2001

EXAMINER: McDonald, Shantese L.

APPLICANT: Roy G. O'Neal

DATE OF OFFICE ACTION: 01/16/2003

TITLE: Stone Cutter

DATE OF RESPONSE: 2/14/03

RESPONSE

The Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

RECEIVED
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TECHNOLOGY CENTER R3700

Sir:

This is in response to the Non-Final Office Action of January 16, 2003 having a period of response set to expire by February 16, 2003. The following amendments and remarks are respectfully submitted.

1. Inventor elects claims 1-18 drawn to a method and apparatus for cutting rock, classified in class 125, subclass 23.01. Claims 19-20 are cancelled by this election.

37 CFR 1.142 provides, in part, that "the examiner in his action shall require the applicant in his response to that action to elect that invention to which his claim shall be restricted."

2. Any correspondence necessary by phone to this office will either get through or will result in a message being possible pursuant to a telephone service provided by South Central Bell which provides an opportunity to leave a message when all lines are busy or when the phone is not answered within the first 5 rings. Fax correspondence is available 24 hours a day at (205) 470-0305.

3. This restriction of the invention is respectfully made without traverse.

4. The original inventors remain the same in this case.


7. Since this amendment may be considered as being filed out of time, your petitioner respectfully requests an extension of time to that effect and authorizes the charge to deposit account 06-2129 in the name of Gregory M. Friedlander for any charges necessary to effectuate this extension of time.

REMARKS

The commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account 06-2129 in the name of Gregory M. Friedlander.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit account 06-2129.


Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United State Postal Service as Express Mail NO. EL781198971 US in an envelope addressed to: Commissioner of Patents and Trademarks, Box Non-Fee Amendment, Arlington, VA 22202 on the 14 day of February, 2003.



GREGORY M. FRIEDLANDER